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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

39

Application Number

09/750,240

Filing Date

December 26, 2000

First Named Inventor

H. Kirk HAMMOND

Group Art Unit

1614

Examiner Name

To Be Assigned

Attorney Docket No.

220002056723

### ENCLOSURES (check all that apply)

Fee Transmittal Form - in duplicate

Assignment Papers  
(for an Application)

After Allowance Communication to Group

Fee Attached

Drawing(s)

Appeal Communication to Board of Appeals and Interferences

Amendment / Reply

Licensing-related Papers

Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

After Final .

Petition

Proprietary Information

Affidavits/declarations

Petition to Convert to a Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation  
Change of Correspondence Address

Other Enclosure(s) (please identify below):

Express Abandonment Request

Terminal Disclaimer

\* Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs)

Information Disclosure Statement

Request for Refund

\* Declaration signed in counterpart - 15 pgs total

Certified Copy of Priority Document(s)

CD, Number of CD(s) \_\_\_\_\_

\* CRF of Sequence Listing

Response to Missing Parts/  
Incomplete Application

Remarks

\* Paper copy of Sequence Listing (16 pgs)

Response to Missing Parts  
under 37 CFR 1.52 or 1.53

\* Response to Notice to Missing Parts with Requirements for Patent Applications Containing ... (2 pgs)

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm  
or  
Individual Name

Catherine M. Polizzi  
Morrison & Foerster, LLP  
755 Page Mill Road  
Palo Alto, CA 94304

Signature

*Catherine M. Polizzi*

Date

October 12, 2001

### CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL569237019US

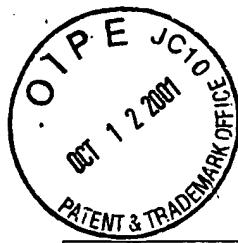
Date of Deposit: October 12, 2001

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*Tamara Alcaraz*

Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



#5

PATENT  
Docket No. 220002056723

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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Tamara Alcaraz

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

H. Kirk HAMMOND et al.

Serial No.: 09/750,240

Filing Date: December 26, 2000

For: GENE THERAPY FOR CONGESTIVE  
HEART FAILURE

Examiner: To Be Assigned

Group Art Unit: 1614

**RESPONSE TO NOTICE TO MISSING PARTS WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES**

Box Sequence  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The printed Sequence Listing is identical to the Sequence Listing submitted in machine-readable form.

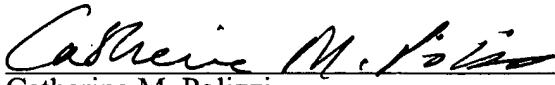
This paper is submitted to comply with the United States Patent Office rules governing gene sequences. No new matter is added.

In the unlikely event that the fee transmittal is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants

petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our **Deposit Account No. 03-1952**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

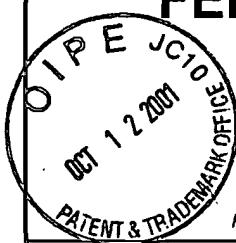
Dated: October 12, 2001      By:

  
Catherine M. Polizzi  
Registration No. 40,130

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5651  
Facsimile: (650) 494-0792

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# FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09750,240
Filing Date	December 26, 2000
First Named Inventor	H. Kirk HAMMOND
Examiner Name	To Be Assigned
Group Art Unit	1614

**TOTAL AMOUNT OF PAYMENT**

(\$2303)

Attorney Docket No. 220002056723

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952

Deposit Account Name Morrison &amp; Foerster LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	980
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

SUBTOTAL (2) (\$888)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1045)

\*\* or number previously paid, if greater; For reissues, see above.

**SUBMITTED BY**

Name (Print/Type)	Catherine M. Polizzi	Registration No. (Attorney/Agent)	40,130	Telephone	(650) 813-5651
Signature				Date	October 12, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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pa-631894



## UNITED STATES PATENT AND TRADEMARK OFFICE

#3

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,240	12/26/2000	H. Kirk Hammond	220002056723

## CONFIRMATION NO. 6646

## FORMALITIES LETTER



OC000000005852623\*

Catherine M. Polizzi  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, CA 94304

Date Mailed: 03/12/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/17/2001 BMGUYEN1 00000106 031952 09750240

## FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 CH
02 FC:203	720.00 CH
03 FC:202	168.00 CH
04 FC:205	65.00 CH

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1760.
  - \$1440 for 80 total claims over 20.
  - \$320 for 4 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2600.**
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with

37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

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*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE